

in part by the North American Creameries (Inc.), on July 12, 1929, and in part by the North American Creamery Co., on July 19, 1929, from one State into another, namely, from Paynesville, Minn. to Chicago, Ill., and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel filed with respect to a portion of the article that it was adulterated in that excessive water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and in that a substance deficient in butterfat had been mixed and packed with the said article so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part therefor. It was further alleged in the libel that the remainder of the article was adulterated in that excessive water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, in that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, in that a valuable constituent, butterfat, had been in part abstracted from the article, and in that it contained less than 80 per cent of butterfat.

Misbranding was alleged with respect to the first portion for the reason that it was offered for sale under the distinctive name of another article.

On September 4, 1929, the North American Creameries (Inc.) having appeared as claimant for the property, a decree was entered ordering that the product be released to the said claimant upon the execution of a bond in the sum of \$1,000, conditioned in part that it be reworked under the supervision of this department so as to cause it to comply with the provisions of the Federal food and drugs act, and that the claimant pay costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16849. Misbranding of peanut meal and peanut feed. U. S. v. 180 Sacks of Peanut Feed, et al. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 23798, 23880. I. S. Nos. 08010, 08020. S. No. 2013.)**

On June 7, 1929, and July 16, 1929, respectively, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 180 sacks of peanut feed and 100 sacks of peanut meal, remaining in the original unbroken packages at Flemington, N. J., alleging that the articles had been shipped by Herbert Neustadt, Blue Point, N. Y., the said peanut meal on or about September 28, 1928, and the said peanut feed on or about January 11, 1929, and had been transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the food and drugs act as amended. The peanut feed was labeled in part: "Old Process Peanut-Feed, Guaranteed Analysis Crude Protein not less than 20 Per Cent, Crude Fat not less than 12 Per Cent, Crude Fibre not more than 13 Per Cent. Manufactured by the Blue Point Oil Corporation, Blue Point, L. I., N. Y." The peanut meal was unlabeled.

Misbranding was alleged in the libel with respect to the said peanut feed for the reason that the statements, "Guaranteed Analysis Crude Protein not less than 20 Per Cent, Crude Fat not less than 12 Per Cent, Crude Fibre not more than 13 Per Cent," were false and misleading and deceived and misled the purchaser when applied to an article deficient in protein and fat and which contained excessive crude fiber. Misbranding was alleged with respect to the peanut meal for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, and for the further reason that it was offered for sale under the distinctive name of another article.

On October 9, 1929, Herbert Neustadt, Blue Point, N. Y., claimant, having admitted the allegations of the libels and having consented that decrees be entered condemning and forfeiting the products, judgments were entered ordering that the said products be released to the claimant upon payment of costs and the execution of bonds totaling \$800, conditioned in part that they be relabeled, "Peanut Refuse from Peanut Butter Manufacture," together with the net weight and statements of the crude protein, crude fat, and crude fiber content.

ARTHUR M. HYDE, *Secretary of Agriculture.*